

board from applicants for certificates in the manner provided by law."

I have carefully examined this bill, and after due consideration, I believe it

to be my duty to object to its becoming a law, and it is accordingly vetoed.

S. W. T. LANHAM,  
Governor.

## APPENDIX H.

### EXECUTIVE VETOES ON GENERAL APPROPRIATION BILL.

Following is the Governor's proclamation filed with the Secretary of State, with his reasons for vetoing certain parts of the general appropriation bill.

EXECUTIVE OFFICE,  
STATE OF TEXAS.

Austin, Texas, May 15, 1903.

*To the Secretary of State:*

I transmit herewith the general appropriation bill (Substitute House bill No. 1), entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1903, and ending August 31, 1905, and for other purposes."

The responsibility for the passage of this bill is general and distributed; accountability for its revision and reduction is single and easily located. I have bestowed upon it, in whole and in part, the most earnest thought and careful consideration at my command. I have sought light and knowledge concerning its provisions from every accessible source. Nothing in it has escaped my observation, and my best judgment has been employed in the effort to reach correct conclusions in the action I have taken concerning it.

I have summoned and consulted with those who are supposed to be best informed in reference to its practical application and bearing upon the different divisions of the public service to which it relates, and have supplemented what they have imparted by personal research. I have striven to avoid material impairment of any department or institution for which it provides, by refraining from interposing objection to any specific appropriation indispensable to their conduct and efficiency for the next two fiscal years. In many respects I have

been compelled to subordinate my sympathy, sentiment and natural inclination to the more rigid demand of deliberate and, as it seemed, unanswerable economic judgment. There are many items in the bill which I would cheerfully approve, but for stern and unyielding conditions. There are many ambitions in this world we would like to gratify, many comforts we would fain enjoy, many objects we would delight to accomplish and many other things we would be glad to do, if our ability were equal to our desires. With governments as with individuals, there are limitations which can not safely be transcended. When means are wanting, when money is not at hand or in certain prospect, it is best to do without anything that we are not obliged to have, and the straining of credit is inexpedient except upon extreme necessity. We can not tell what the future may bring forth—all human calculations are liable to be at fault; but when we consult authoritative sources and those upon which common prudence and former practice demand our reliance, we should hesitate long before disregarding what they disclose. I shall be very glad to see our future revenues exceed our present estimates—they may do so, but I should dread to assume that such will be the case. Acting upon what I believe to be reasonable precaution and conservatism, I have endeavored to reduce the budget shown by the bill as nearly within our reliable resources as it has appeared possible to do without serious detriment to any branch of the public service. It is not claimed that some matters entitled to consideration have not been denied or deferred; but, wherever absolutely just, their suspension, it is hoped, will only be temporary. It will be impossible, without extending this communication to extreme length, to assign a specific cause for the disapproval of each of the many items which are eliminated; but it must not be inferred that reasons constitutional and otherwise, be-

lieved to be sufficient and sustained by the necessities of the case, are wanting. I object to the following items:

## COMPTROLLER'S DEPARTMENT.

For roller shelving.....\$ 2,000

## PUBLIC BUILDINGS AND GROUNDS.

Salary of assistant elevator man  
(for two years)..... 1,200  
For fencing the San Jacinto bat-  
tlefield, etc. .... 20,000

I am not insensible to those motives, patriotic in character and beautiful in sentiment, which inspire advocacy of this proposition. I trust that every reason in its favor, uttered or unexpressed, is perceived and duly appreciated. The prowess of heroes and the sacrificial blood of patriots are entitled to commemoration, but the necessities of the living should not be ignored. Who can say of "the brave knights that are dust," that if incarnate they could revisit the scenes of their chivalry, they would wish us to neglect the unfortunate objects of our eleemosynary care in order to perpetuate by visible monument or stately enclosure the place where martyrs stood or fell? "Their glory will not fade" nor will they "go without their fame," if we are constrained to postpone, for the time being, suitable testimonials of our devotion to their deeds and reverence for their memory. The same may be said of those who fell at Gettysburg or Vicksburg or Chicamauga or in Indian massacres, or the exhumation and removal of the remains of statesmen or warriors and providing them new sepulture at our State cemetery. There are times and conditions in the history of governments and experience of individuals when humble tributes and simple forms of sorrow and modest expressions of respect can not be supplemented with marbled mausoleum or chiseled "splendor of woe," either at public or private expense. There are times when voluntary personal contributions, exemplifying generous sympathy, lofty sentiments and true nobility in human incentive, can be substituted for demands upon the public treasury. There are occasions when the tender inclinations of the heart must yield to the more serious and deliberate conclusions of the head. How many trees have fallen and there must lie without discrimination, at home and abroad! We can not hope to gather and concentrate the "sleeping dust" of all our gallant and historic dead, nor to buy and beautify all the sacred ground where battles for liberty have been fought.

## ADJUTANT GENERAL'S DEPARTMENT.

For armory rent, etc. (for two  
years) ..... 20,000

## THE UNIVERSITY OF TEXAS.

The unusual form in which the appropriation for this institution is made has caused me much embarrassment. I have assurances from the board of regents, upon which I am entirely willing to rely, that not exceeding \$200,000 of the amount appropriated out of the general revenues for the next two fiscal years shall be expended without the consent of the governor. This places it within the power of the executive to prevent the expenditure of \$50,000 for the two years of the amount appropriated for the University, if the condition of the treasury should so require. In consequence, I have not interfered with the appropriation made for the University.

## NORTH TEXAS STATE NORMAL.

For equipment of same..... 10,000  
(The item referring to two-story brick building.)

## SOUTHWEST TEXAS NORMAL SCHOOL AT SAN MARCOS.

Salary of superintendent, "pro-  
vided Prof. T. G. Harris shall  
not be appointed" (for two  
years) ..... 4,000  
Calisthenics laboratory building. 8,000  
Music and library..... 10,000

I regret to find that in providing for the Normal school at San Marcos a serious and unfortunate mistake has been made. I can not believe a part of it was intentional, and hence must regard it as a clerical error, only made possible by the insertion of a preceding proviso unprecedented in the legislative history of the State. In making appropriations for the normal schools at Huntsville and Denton, these words and figures are respectively used:

Aug. 31, Aug. 31,  
1904. 1905.

For support and mainte-  
nance ..... 20,000 \$20,000

Had the same course been pursued with reference to the San Marcos Normal, it is hardly to be imagined that any error would have occurred, but the Legislature, in their wisdom, saw proper to change the language, and to employ the following words and figures:

	Aug. 31, 1904.	Aug. 31, 1905.
Salary of superintendent, provided Prof. T. G. Harris shall not be ap- pointed .....	2,000	2,000
And then follows the bill: For maintenance.....	1,800	1,800

Surely it was not by design that only the sum of \$3,800 per annum was appropriated for the superintendent and the other teachers, all of whom had been duly chosen to carry on the school at San Marcos. For the same service at Denton and Huntsville, as before suggested, the sum of \$20,000 is appropriated for each year and the same amount in the same words should have been allowed at San Marcos. This mistake and the proviso relating to Prof. Harris will cause a deficiency of \$18,200 per annum at San Marcos, and Superintendent Harris and the teachers will in consequence be the losers to whatever extent their warrants may have to be discounted. It is unfortunate, but can not now be corrected. It is indeed regrettable, but the school must and will go on. In this connection, I will further say that the State board of education, in the exercise of their unquestioned authority, appointed Prof. T. G. Harris as superintendent of the normal school at San Marcos long before this appropriation bill was passed. It was not within the power of the Legislature, by the insertion of a proviso in the bill, to deprive him of the office to which he had been duly elected, nor to reverse the decision nor abridge the right of the board by limiting the names or number of those from whom the selection of a superintendent should be made; hence, I must express my disapproval of this proviso, and especially since the fitness of the superintendent for the place to which he has been called is conceded, and it seems that no justification for any reflection cast upon him or those who chose him can be found. I am unwilling that such attempted legislation shall be written in our laws.

#### GIRLS INDUSTRIAL COLLEGE.

For brick and stone building, etc.	\$39,000
For improvements and equip- ment of dormitory.....	12,904

#### AGRICULTURAL AND MECHANICAL COLLEGE.

For the establishment of three additional experiment stations	15,000
Purchase of herd of livestock....	5,000
Contagious and quarantine pens.	5,000
Dormitory .....	50,000
Engineering building.....	25,000

#### PRAIRIE VIEW NORMAL.

Agricultural and mechanical girls industrial building.....	25,000
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#### DEPARTMENT OF HEALTH AND VITAL STATISTICS.

For building an iron frame screw pile for quarantine officer for residence at Galveston.....	22,500
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#### STATE PENITENTIARIES.

"Provided that guards shall be paid not less than \$30 per month and board for their services."

By this provision an attempt is made to engraft upon an appropriation bill legislation amendatory of existing law, which is prohibited by the Constitution; and it relates to a subject which had not been presented to the Legislature for consideration in its called session.

#### STATE ORPHANS' HOME.

For boys' dormitory.....	\$10,000
For industrial building for girls and equipment of same.....	12,000

#### STATE LUNATIC ASYLUM.

For completing north wing fe- male ward, etc.....	900
To construct new galleries, etc..	1,200
To repair three connecting cor- ridors, etc. ....	700
Enlarging laundry buildings and purchasing new machinery....	3,000
Reconstructing and enlarging ice plant and cold storage, and for the purchase of new and larger machinery .....	5,000
To purchase additional farm lands .....	10,000
To erect new buildings for male employees .....	5,000

#### SOUTHWESTERN INSANE ASYLUM.

Two new ward buildings, etc....	\$35,000
Two toilet buildings.....	15,000
Galleries around all wards.....	10,000
New steel ceilings.....	2,500
One new boiler and connections..	1,000
Furniture and equipment of new buildings .....	12,500
To erect male hospital, etc....	10,000
To erect female hospital, etc....	10,000
One additional assistant physi- cian (for two years).....	2,500

#### NORTH TEXAS INSANE ASYLUM.

Enlarging chapel .....	7,000
Extraordinary repairs .....	5,000
Area walls .....	1,000
Iron cover on basement conduit..	1,500
Two pavilions.....	1,500
Water mains .....	1,000
For galleries around old building	8,000

BLIND ASYLUM.		
Dynamo and electric supplies (for two years).....	1,250	
Iron galleries on all buildings.....	5,000	
Enlarging laundry .....	2,500	
Store room and bed room above..	600	
DEAF AND DUMB ASYLUM.		
Hospital .....	10,000	
New kitchen and enlarging dining room .....	8,000	
To install ice plant.....	4,000	
CONFEDERATE HOME.		
For building new hospital, etc. (second year's appropriation) ..	12,000	
It is believed that the \$15,000 appropriated for the first year can be made to meet the requirements in this case.		
DEPARTMENT OF AGRICULTURE, INSURANCE AND STATISTICS.		
Salary of bookkeeper and statistical clerk (two years).....	2,400	
Salary assistant librarian to catalogue library (second year's appropriation) ..	1,000	
MISCELLANEOUS.		
To pay M. A. Turner, etc...	\$14.25	
To pay J. A. Youree, etc....	10.00	
To pay W. C. Wallace, etc..	52.65	
To pay Philipe Barber, etc...	66.25	
To pay W. F. Duffy, etc.....	5.38	
To pay J. E. Crow, etc.....	6.08	
To pay W. R. Kellam, etc...	5.26	
To pay Henry M. Clay, etc...	559.33	
To pay James P. Hart, etc...	384.90	
To pay J. H. Boone, etc.....	84.00	
To pay J. A. Youree, etc....	16.40	
To pay B. L. Hutcheson, etc.	11.20	
To pay J. V. Cunningham, etc .....	4.30	
To pay R. B. McCain, etc...	10.85	
To pay H. E. Shelley and R. K. Smoot, etc.....	104.00	
To pay the clerk of McLennan county, etc.....	713.00	
To pay W. I. Satterfield, etc.	40.14	
To pay Wm. Brooks, etc....	12.35	
To pay E. B. Griffing, etc...	11.00	
To pay Guy Townsend, etc..	26.92	
To pay John M. Tipton, etc.	21.70	
To pay Thomas C. Hindman etc .....	35.00	
To pay W. S. Swan, etc....	12.35	
To refund to Nacogdoches county .....	543.85	
To pay M. H. Denman, etc..	50.00	
To refund to J. R. Arnett, etc.	390.65	
To refund to Elkins and Blair, etc.....	24.00	
To pay Z. T. Fulmore, etc..	932.44	
To refund to S. S. Scroggins, etc.....	56.25	
To pay W. Y. Robinson, etc.	352.90	
To pay amount due W. S. Gabriel, etc.. .....	1,432.55	
To pay J. C. Greer, etc....	7.50	
To defray expenses of removing remains of Captain Jesse Billingsly to State cemetery, etc .....	250.00	
For the erection of a monument of Texas granite on battlefield of Chickamauga, etc. ....	10,000.00	
To pay for executing and erecting of one' elaborate State monument * * * on the battleground of Vicksburg, etc .....	10,000.00	
To pay Giles C. Averiet, etc.	25.20	
To pay C. H. Page, architect, etc .....	411.37	
To pay claim of J. J. Cocke, etc. ....	123.56	
To pay for removal of the remains of ex-Governor P. H. Bell from North Carolina to State cemetery and to erect monument.....	500.00	
For the purpose of defraying the expenses of competent civil engineers to make a survey of the Brazos river, etc. ....	40,000.00	
This proposition was defeated in the House of Representatives at the Regular Session and was not presented as a subject for legislation at the Special Session. I do not believe that the expenditure of this amount of money for the purpose indicated would be advisable or expedient. If intended to be anticipatory of future legislation contingent upon the adoption of a constitutional amendment, it is apparent that such an amendment should first be adopted. In recent years a proposed amendment to the Constitution in relation to irrigation districts, etc., was defeated, and we can see that this matter would prevail. There are many streams in Texas subject to overflow. When extraordinary floods come it seems that no human power or precaution can prevent disastrous consequences. Even the multiplied millions of money which have been expended from the Federal treasury to build and protect the levees of the Mississippi river have been found inadequate at times to control it or prevent destruction, as recent events have abundantly shown. It is doubtful if the Brazos river, with its peculiar course and meanders, wide channel and shallow bed, could be confined on occasions of unusual floods if		

the entire revenues of the State were applied to such purpose. Situated as we now are, it does not seem judicious to enter upon the experiment indicated nor that any supposed benefits to be derived would at this time warrant the proposed outlay.

To pay for services of four persons * * * to locate the spot where Lieutenant Reuben Mays and his detail of twelve men were killed by Indians in 1861, etc. ....	\$ 300.00
To pay John W. Vann, etc..	99.16
To pay John W. Vann, etc..	14.20
To repay H. P. Haldeman, etc	13,000.00
To pay F. W. Rogers, etc...	641.50
To pay J. E. Crossett, etc...	52.40
To defray expenses of commission to locate and mark by suitable monument or tablet the position occupied by Texas troops at the battle of Gettysburg .....	500.00
To pay Mrs. Mary Fitzhugh, etc. ....	1,800
To refund to Jefferson county, etc. ....	144.20
To pay Chicago Lumber company, refund, etc.....	277.00
To pay claim of John T. Honea, etc .....	28.68
To authorize the purchase of the property and land now owned by Hugo & Schmeltzer adjoining the Alamo * * * and to aid the Daughters of the Republic of Texas to purchase said property and land, etc....	5,000.00
To defray the expenses of removing the remains of John W. Bunton * * * from Buda, Hays county, to the State cemetery at Austin, Texas .....	250.00
To pay claim of J. B. Moore, etc. ....	69.80
To pay R. Richardson, etc..	66.30
To pay T. S. Edwards, etc..	250.00

(See State vs. Hart, 70 S. W. Rep., page 947.)

To pay John Steel, etc.....	7.00
To pay A. H. Leftwich, etc..	6.74
To pay Ben F. Gafford, etc..	37.50
To pay to Justice Price, holder of claims against the Republic of Texas, etc....	50.00
	20.00
	30.00
	90.00
	100.00
To pay claim of D. R. Burroughs, etc. ....	15.14
To reimburse Hon. Travis Henderson for expenses incurred by him in visiting Chickamaugua Park while acting as park commissioner under resolution of Twenty-third Legislature ..	250.00

The resolution referred to expressly stipulated that the commissioners appointed should serve without pay. (See Senate Journal, Twenty-third Legislature, page 192. Also Constitution, Art. 3, Sec. 53.)

For the reconstruction * * * of the old stone fort in the city of Nacogdoches...	2,000
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This item embraces legislation not submitted in the proclamation for the extra session nor otherwise presented to the Legislature.

To pay per diem of the members, officers and employes of the First Called Session of the Twenty-eighth Legislature .....	8,000
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A concurrent resolution passed on the last day of the called session provided for this item.

With the exception of the items to which I have objected, as hereinbefore indicated and set out, I approve the bill.

(Signed) S. W. T. LANHAM,  
Governor.